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DEPARTMENT FOR S/SRAP, SCA/A, AND INL

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SUBJECT: AFGHANS SEEK IMPROVED JUDICIAL SECURITY; CSTC-A AGREES TO
SUPPORT TRAINING EFFORTS BUT MORE RESOURCES LIKELY NECESSARY

11. (U) SUMMARY. Afghan officials, including the Afghan Chief Justice, the Attorney General, the Minister of Interior, and the Minister of Justice agree 24-hour security for certain at-risk judges and prosecutors is needed to establish a judiciary capable of prosecuting the powerful criminals and corrupt officials who are destabilizing Afghanistan. The Afghan government has agreed to work with the United States, the UK (a strong supporter), and other partners to recruit, train, and equip a specialized judicial security unit (JSU) modeled on the U.S. Marshals Service. A technical committee has met several times to discuss how to stand up such a force. On September 28, CSTC-A agreed to help identify a training and billeting facility, and provide JSU officers from the build-up of ANP forces. Additional funding resources, however, will be required to proceed. End Summary.

BACKGROUND: NEED FOR JUDICIAL SECURITY

12. (U) The fear of assassination prevents many (if not most) Afghan judges and prosecutors from carrying out their duties with objectivity, particularly in cases involving powerful criminals or well-connected corrupt officials. Their fear is well-founded: the justice minister in Kunduz province was killed by an IED attack in late August (the Taliban claimed credit). In the past six months, insurgents killed eight prosecutors and kidnapped four others. The Chief Appellate Judge of the Central Narcotics Tribunal was killed in September 2008. Hence, Afghan and international experts agree Afghan judges and prosecutors need increased protection in order to establish an independent judiciary capable of prosecuting criminal and corrupt actors.

13. (U) Since 2006, the U.S. Marshals Service (USMS) has been involved in the assessment and improvement of security for the Counter-Narcotics Justice Task Force (CJTF) in Kabul. However, because of lack of funding, the USMS mandate was limited to training a small unit of the Counter Narcotics Police of Afghanistan (CNPA) to provide courtroom security. Following the assassination of the Chief Appellate Judge of the Central Narcotics Tribunal, judicial security became an urgent priority, and the USMS modified its mission to include training in personal security for key personnel. In a meeting with CJTF personnel shortly after the assassination, the Ministry of Interior (MOI) promised to create a judicial security program. The MOI also promised to increase the number of slots allotted to the CNPA unit, now called the Afghan Marshals Service (AMS), and the tashkil was increased from 28 to 74. Currently, however, only 47 men and women are in the unit.

AFGHANS AGREE TO JUDICIAL SECURITY

14. (U) Civilian and military elements have had a number of discussions in recent weeks on the need Afghan officials see to develop a better way to provide better judicial security.

15. (U) The Deputy Ambassador, U.S. Senator Lindsey Graham of South

Carolina, and the Rule of Law Coordinator met on August 23, 2009 with Afghan Chief Justice Abdul Salaam Azimi, and separately with Afghan Attorney General Mohammed Shaq Aloko, to discuss expanding judicial security. When that U.S. delegation met with Afghan Interior Minister Mohammed Hanif Atmar August 25, the Afghan officials acknowledged the importance and urgency of the issue. On August 26, they jointly agreed to seek U.S. assistance to form a special unit to protect Afghan judges and prosecutors.

¶16. (U) On August 27, 2009, a Kabul-based team (including representatives from Rule of Law (ROL), Department of Justice (DOJ), Federal Bureau of Investigation (FBI), USMS, Bureau of International Narcotics and Law Enforcement (INL), CSTC-A, USFOR-A, and CENTCOM), met with Afghan Justice Minister Sanwar Danish, MOI Deputy Minister Mangal, Supreme Court General Chief Administrator Halimi, and Deputy Attorney General Fatah to discuss the way forward. A technical committee composed of Afghan, U.S., and UK officials subsequently met to examine the details of the JSU plan. The committee agreed to draft a concept paper addressing recruiting, training, equipping, and funding a judicial security unit. The committee will also explore the possibility of creating secure housing compounds for judges and prosecutors, as was done in Baghdad.

¶17. (U) During the discussions, the Afghan side proposed a nationwide force of up to 7,411 personnel at an estimated cost of \$43 million (the U.S. and international donors would need to provide this assistance). Deputy Interior Minister Mangal offered 100 police officers, starting in September 2009, to meet the short-term needs of the proposed Justice Security Unit (JSU). The JSU would protect judges at the Counter Narcotics Justice Center, the Supreme Court, and judges handling Anti-Corruption Unit and Major Crimes Task Force cases. In addition, the Afghan side proposed including protection

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for ministry officials and juvenile detention centers.

¶18. (U) The U.S. delegation proposed to train the JSU to provide courtroom and personal security for judges and prosecutors, and to apprehend fugitives. They made clear that U.S. funding would need to be tied to compliance with the implementation plan. To support development of a plan, the USMS recently conducted a security assessment of the needs of the Supreme Court.

¶19. (U) At a meeting on September 26, DM Mangal, and DOJ and USMS officials discussed the need to replicate the training given to the security force at the CNJC for the entire proposed national JSU. Deputy Minister Mangal agreed to revise the structure of the MOI to place the JSU, now part of the CNPA, under the direct supervision of DM Mangal. This step would encourage use of the existing JSU as a model for the development of the larger, nationwide JSU envisioned by the Afghan government.

¶110. (U) Subsequently, Technical Operations Division Assistant Director William Snelson and Commander Special Operations Group David Robertson, U.S. Marshals Service (USMS), met with COL Scott Jones, CSTC-A Deputy Assistant Commanding General for Police Development, and COL Louis Jordan, CSTC-A Senior Military Advisor to the Deputy Minister of the Interior for Counter-Narcotics, September 28, 2009 to how the U.S. military can support standing up an Afghan Judicial Security Unit (JSU) modeled on the USMS. CSTC-A pledged to help locate a training facility for the JSU program. In addition, COL Jones said the JSU force will come from the over-all planned build-up of the Afghan National Police. CSTC-A asked the U.S. Marshal Service to provide subject matter expertise in developing the force structure of the unit, which USMS agreed to do. Both CSTC-A and USMS agreed the 7,411 person security element is excessive.

COMMENT

¶111. (SBU) Post strongly supports the proposal to build the JSU into an effective security unit to protect judges and prosecutors. However, we note the difficulty of obtaining adequate funding and sufficient numbers of U.S. Marshals Service personnel to oversee

training of the unit. We are encouraged by the support pledged by CSTC-A to locate and develop a training facility.

¶12. (SBU) Under the best of circumstances, providing security to judges in the provinces is years away. Our sense is that protection should first be provided to justices of the U.S.-funded Counter Narcotics Justice Center, then to Afghan Supreme Court Justices, then to at-risk judges in Kabul, and then to at-risk judges in key provinces. The JSU will only protect prosecutors under specific threat, as in the United States.

¶13. (SBU) Afghan government officials agree -- and we agree -- that the country's judiciary and progress on rule of law would benefit from creation of a judicial security unit. At the same time, discussion of key points, including the size of the program and the budget it would need, have yet to begin in a detailed way. Embassy and potential Afghan partners are meeting to develop the thinking further and will provide Washington with updates, and at the appropriate time requests for action, as the work here proceeds.

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